

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
DATE: November 8, 2011
SUBJECT: BZA No. 18275 – 1200 Potomac Avenue, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following use variance relief:

- § 350.1 (coffee shop proposed on first floor, not permitted in the R-5-B zone).

The Office of Planning recommends **denial** of the following use variance relief:

- § 350.1 (retail pet supply store proposed on second floor, not permitted in the R-5-B zone).

II. LOCATION AND SITE DESCRIPTION

Address	1200 Potomac Avenue, S.E.
Legal Description	Square 1021, Lot 34
Ward	6
Lot Characteristics	Unusually shaped corner lot with no alley access
Zoning	R-5-B
Existing Development	Abandoned two-story mixed-use building (retail and residential)
Historic District	Capitol Hill
Adjacent Properties	North, East and West: Row, detached and semi-detached houses South: Across Potomac Avenue, small public park. Across K Street, three and five-story public housing apartment buildings.
Surrounding Neighborhood Character	Residential

The subject property was constructed in 1900, prior to the adoption of the Zoning Regulations in 1958, as a mixed-use building with a commercial space on the first floor and a residential apartment on the second. The applicant informed the Office of Planning that the building was used in this manner until approximately eight years ago, when the property was abandoned.

III. PROPOSAL

The applicant proposes to renovate the existing vacant building and locate a coffee shop on the first floor and a pet supply store on the second. The applicant informed the Office of Planning that the pet supply store



would not involve the sale of animals. The building is currently vacant and has been abandoned for approximately eight years.

Access to the coffee shop would be from the commercial building entrance facing the corner of 12th Street, K Street and Potomac Avenue. The applicant also proposes to expand the show window facing 12th Street into public space. Public Space Committee approval would be required before the applicant could expand the building into public space. As the subject property is located within the Capitol Hill Historic District, this expansion would also require approval from the Historic Preservation Review Board (HPRB). Neither the Public Space Committee nor the HPRB have reviewed this proposal.

IV. OFFICE OF PLANNING ANALYSIS

A. Use Variance (§ 350.1, Coffee Shop in the R-5-B district)

The use variance requirements pursuant to § 3103 to be met are as follows:

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The first floor was originally designed as a commercial space. The entrance to this space faces the corner where 12th Street, K Street and Potomac Avenue intersect, and the activity associated with an intersection. The first floor is also improved with two sets of show windows, one facing 12th Street and the other facing Potomac Avenue. These windows are at ground level, unlike the first floor windows of the adjoining row houses along Potomac Avenue, which are half a flight up and provide privacy to the occupants. Show windows are designed to encourage pedestrians to look in, not conducive to residential use. The combination of the entrance facing an intersection and the windows at ground level exhibit a specific uniqueness resulting in an extraordinary or exceptional situation or condition for use of the first floor for residential use.

2. By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or an exceptional and undue hardship upon the owner of the property.

The uniqueness of the lack of privacy for a residential unit and the exposure of its entrance results in a peculiar and exceptional practical difficulty. The windows cannot be eliminated to ensure privacy without adversely affecting the use of the space for residential use. Therefore, the Office of Planning concludes that it would be an undue hardship upon the owner of the property to be required to use the space as provided by the R-5-B district.

3. The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The first floor space is designed with its entrance away from the adjacent residential uses, shifting any activity associated with the proposed coffee shop towards the corner, and would allow for the use of a space designed for commercial purposes to be used as such. Therefore, the variance would not cause substantial detriment to the public good or impair the intent of the Zoning Regulations.

B. Use Variance (§ 350.1, Pet Supply Store in the R-5-B district.)

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The second floor was originally designed as residential space. The entrance to the apartment faces Potomac Avenue, away from the intersection and nearby to the adjacent residential row houses also facing that street. The windows are located one flight up, providing an element of privacy to the occupants from the activity on the street that continues today. Therefore, the property exhibits no specific uniqueness for use of the second floor of the property for residential use.

2. By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or an exceptional and undue hardship upon the owner of the property.

The Office of Planning does not find that the subject property exhibits a specific uniqueness from which any undue hardship would arise. The entrance to the second floor of the building is oriented toward the residential row houses on Potomac Avenue, and the windows are located on the second floor, providing an element of privacy to the residents of the unit. Therefore, the Office of Planning finds that the use of the second floor for a residence would not result in an undue hardship.

3. The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Office of Planning finds that there is no extraordinary or exceptional situation resulting in undue hardship to the owner. Therefore, the granting of a use variance to permit a pet supply store on the second floor of this building would impair the intent of the zone plan and the Zoning Regulations.

V. AGENCY COMMENTS

DDOT, in a memorandum dated October 25, 2011, had no objection to the application. No other agency comments were received.

VI. COMMUNITY COMMENTS

ANC 6B is expected to review the subject application at its regularly scheduled meeting of November 8, 2011.

No other community comments were received.

Attachment: Location Map

